

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**YASSER ALHAMZAWI,
Plaintiff,**

v.

**GEICO CASUALTY COMPANY,
Defendant.**

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Civil Action No. _____

NOTICE OF REMOVAL

COMES NOW Defendant GEICO Casualty Company (“GEICO” or “Defendant”) and submits the following Notice of Removal pursuant to Title 28, sections 1332, 1441, and 1446 of the United States Code and Local Rule CV-81.1. As grounds for this removal, Defendant states as follows:

THE STATE COURT ACTION

1. Plaintiff Yasser Alhamzawi (hereafter “Plaintiff”) commenced an action against Defendant GEICO Casualty Company in the 192nd Judicial District Court of Dallas County, Texas, Cause No. DC-15-10775, on or around September 11, 2015. In his Original Petition, (“Petition”), Plaintiff alleges that he submitted a claim for the costs of repair, loss of use, and rental expenses associated with damage to his vehicle from a hail storm. *See* Petition at P. 3 (Exhibit B-1). Plaintiff alleges that at the time of the accident in question, he was insured under a policy issued by Defendant and that under the policy he was insured for such damages. *Id.* Plaintiff alleges that he submitted three separate invoices of \$26,375.49, \$31,412.89, and \$32,801.99. *Id.* Plaintiff claims that Defendant failed to promptly to investigate the claim, failed to pay the claim, and failed to settle the claim in good faith. *Id.* at P. 4-5.

2. In his Petition, Plaintiff seeks monetary relief from GEICO of more than \$200,000.00. *Id.* at P. 2. Plaintiff seeks the following damages: actual damages and benefits under the policy; consequential and incidental damages; expenses; treble damages; mental anguish; emotional distress; damages for economic hardship; exemplary damages; 18% statutory interest; and attorneys' fees and costs. *Id.* at P. 8-9.

3. On or about October 9, 2015, GEICO filed its Original Answer to Plaintiff's Original Petition, which included its specific denials and affirmative defenses. *See* GEICO's Original Answer to Plaintiff's Original Petition, included with this Notice of Removal as Exhibit B-4.

4. The case is currently pending in the 192nd Judicial District of Dallas County, Texas. Pursuant to Local Rule 81.1, a true and correct copy of all pleadings, motions, and other papers filed in the 192nd Judicial District of Dallas County, Texas are included as attachments with this Notice of Removal, along with an index identifying same. *See* Exhibit B.

JURISDICTION

5. This Court has jurisdiction over this action pursuant to 28 U.S.C. §1332(a) and §1441(a) because the parties are citizens of different states and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

6. Diversity: According to the Petition, Plaintiff is a resident of the State of Texas. *See* Petition at P. 1. Upon further information and belief, Plaintiff is a citizen of the State of Texas. Defendant GEICO is a citizen of Maryland because it is a Maryland corporation with its principal place of business in Maryland. *See* Declaration of Matthew Zuraw, included with this Notice of Removal as Exhibit C. Accordingly, 28 U.S.C. §1332(a) of the United States Code allows this Court to exercise jurisdiction over this action.

7. Amount in Controversy: The amount in controversy is in excess of \$75,000.00. In his Petition, Plaintiff specifically seeks monetary relief from GEICO of more than \$200,000.00. *See* Petition at P. 2. Further, Plaintiff asserts actual damages between \$26,375.49, and \$32,801.99. *Id.* at P. 3. Plaintiff also seeks recovery for mental anguish, emotional distress, statutory damages treble the amount of actual damages, and for attorney's fees, statutory interest, expenses and costs. *Id.* at P. 8-9. Therefore, on the face of the Petition, the amount in controversy exceeds \$75,000.00. *See* 28 U.S.C. § 1446(c)(2).

8. Because this civil action only involves citizens of different states and the amount in controversy exceeds \$75,000.00, this Court has original jurisdiction pursuant to 28 U.S.C. §1332(a) and removal is proper under 28 U.S.C. §1441.

TIMELY REMOVAL

9. Pursuant to Title 28 section 1446(b) of the United States Code, removal of this matter has been timely effectuated within thirty days after the receipt by GEICO, through service or otherwise, of a copy of the pleading or other paper setting forth the claim for relief upon which such action or proceeding against GEICO is based. GEICO was served with a copy of Plaintiff's Original Petition on September 17, 2015. This Notice of Removal is being filed on October 13, 2015, which is within 30 days of such receipt.

SERVICE

10. Copies of this Notice of Removal are being served upon all parties to this action. Notice of this removal is also being filed with the 192nd Judicial District Court of Dallas County, Texas.

Pursuant to Local Rule 81.1, Defendant has attached the State Court docket sheet and the Index of Documents Filed in State Court. Also in compliance with Local Rule 81.1, Defendant has filed the following documents with the Notice:

- Civil Cover Sheet;
- Supplemental Civil Cover Sheet;
- Certificate of Interested Persons.

Respectfully submitted this 13th day of October, 2015.

Respectfully submitted,

PERRY LAW P.C.

By: /s/ Meloney Perry

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**ATTORNEYS FOR DEFENDANT
GEICO CASUALTY COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was served on all counsel of record on this 13th day of October, 2015, in accordance with the Federal Rules of Civil Procedure and any applicable local rules:

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/s/ Meloney Perry

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